

**HAMPTON ZONING BOARD OF ADJUSTMENT**  
**MINUTES – *Draft***  
**November 19, 2015**

**Members Present**

Bryan Provencal, Chairman  
Bill O'Brien, Vice Chairman  
Norma Collins, Clerk  
Tom McGuirk  
Ed St. Pierre

**Others Present**

Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:05 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

**PETITION SESSION**

**46-15...**The petition of Cornerstone at Hampton, LLC for property located at 298 Exeter Rd. seeking relief from Article 6.3 to construct a health care facility that would provide services to physically and/or mentally impaired persons. This property is located on Map 67\*, Lot 1 and in the I Zone. (\*Parts of it are also shown on and 52, 53 and 68).

Attorney Peter Saari, Casassa & Ryan, Corey Colwell, MSC Engineers, and David Udelsman, Architect, came forward.

Attorney Saari said this project would provide a facility for people who need services for physical and mental problems. Parking would not be a problem. There are 89 spaces where over 250 are required. However, most of these people do not have cars. Attorney Saari said the 89 spaces would be more than sufficient. If more spaces are ever needed, they can be found on site. This project would have no affect on the public. Attorney Saari went through the five criteria and said he felt they had been met.

Mr. Colwell said this project would be on 9.9 acres across the street from CR's Restaurant. There is a lot of mature growth on site. The design is 30% sealed surface where 60% is allowed. There will be an extended driveway from Exeter Road. There will be a three-story assisted living section and a two-story Alzheimers section. Drainage is handled in the front parking lot. As for parking, it would require a lot of vegetation removal to get to 250 spaces. 89 spaces is ample parking for the use.

Mr. Udelsman said there will be 107 residential units and 130 bedrooms. The Alzheimers unit will be a secure section. There will be a lot of public space for dining, treatment, staff work, etc. Number of staff will be 30 to 35 at maximum shift.

Robert Larkin, President of Senior Living Residences, said his company has opened three dozen of these residences over 25 years. Mr. Larkin said there would be an on-site van to transport residents to shopping, doctors' appointments, etc.

*Questions from the Board*

Mr. St. Pierre asked about wetlands. Mr. Colwell said there are three pockets on the property. They have met with the state and the Conservation Commission. There are 20,000 square feet of wetlands that have to be mitigated. This process will go through the Town boards. These wetlands are low value and there will actually be a decrease in run-off from the site.

Mr. St. Pierre asked Mr. Schultz what his ideas on the project were. Mr. Schultz said they have plenty of room for more parking spaces if needed so there is no need at this time to destroy the vegetation.

Mr. McGuirk asked if there was any potential for sub-division and what the uses might be. Mr. Colwell said they none at this time.

Mr. O'Brien said he liked the project. Chairman Provencal agreed.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

Mr. O'Brien asked if all access is through the center except emergency. Mr. Udelsman replied that there is an employee entrance.

Mr. St. Pierre said he was in favor of the project.

**Moved** by Mr. O'Brien, seconded by Mr. St. Pierre, to grant Petition 46-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**47-15...**The petition of James Potter for property located at 163 North Shore Rd. seeking relief from Article III as to 3.1 and 3.3 for removal of existing one-bedroom cottage as

shown on provided plot plans. Relocate and rebuild new one-bedroom cottage to be located within setbacks at left side and rear of property. New one-bedroom cottage will be a reproduction of the original structure within the same footprint size. This property is located on Map 133, Lot 9 and in the RA Zone.

Representatives of Perigny & Howard, General Contractors, came forward. The representative said this has been a family guest property. This property is now non-conforming. The structure will be pushed back, the setbacks will be improved. The same structure will then be built. The representative went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Mr. St. Pierre asked if there were any other multi-family residences in the area. The representative replied that there were several. Mr. St. Pierre said he did not understand why the building has to be pushed back. The representative replied that right now it is intruding on the setbacks.

Ms. Collins asked about the shed. The representative said the shed would be demolished. Ms. Collins said this precedes zoning. Chairman Provencal said they are trying to do the right thing.

#### *Comments from the Audience*

There were no comments from the Audience.

#### *Back to the Board*

Mr. O'Brien said on the plot plan it looks like a deck coming out from the building. The representative said it is only a pergola.

Mr. O'Brien said he felt the shed and deck behind the house should be torn down before construction starts and the drawings should be amended.

Chairman Provencal said this is not adding a multi-family. This is existing.

Mr. St. Pierre said he did not support this because it could go to condos in the future. Ms. Collins agreed and said problems could result.

**Moved** by Mr. McGuirk, seconded by Mr. Provencal, to grant Petition 47-15 on the condition that before building the shed and deck be removed.

Chairman Provencal asked the Board if the five criteria had been met. Chairman Provencal and Mr. McGuirk said they had. Mr. O'Brien, Mr. St. Pierre and Ms. Collins said they had not.

**Vote:** 2 yes, 3 no (O'Brien, St. Pierre, Collins). Motion failed.

Mr. McGuirk said that no one on the Board can say this unit did not exist prior to zoning. It did. This is a disservice to the applicant.

**48-15...**The petition of Jacques W. & Nicole E. Dion for property located at 17 Dearborn Ave. seeking relief from Article 1.3, 3.3, 4.1.1 for renovation and improvement of a previously non-conforming, now vacant, 3-unit multi-family home to allow for a 2-family home, each unit having 2 bedrooms, with adequate parking and no building expansion. This property is located on Map 144, Lot 56 and in the RA Zone.

Jack Dion, Petitioner, and Attorney Peter Saari came forward. Attorney Saari said this looks like a single-family home. It was built around 1930 before zoning. There are three units, all under square footage requirements. Three small apartments is not appropriate for this neighborhood. Attorney Saari said Mr. Dion wants to repair the house and change it into two units. It would not have a material affect on the neighborhood. Attorney Saari went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Mr. O'Brien asked if the house to the south was a single-family. Mr. Dion said it is.

#### *Comments from the Audience*

Jack Grella, 20 Dearborn, said he was speaking for himself and three other families on Dearborn Ave. He said they all oppose this petition. The previous owner took good care of the property and then it was sold there were many transients. This house should be a single-family home.

#### *Back to the Board*

Mr. St. Pierre asked if Mr. Dion intended to remove any paving. Mr. Dion said no.

Mr. McGuirk said he had been in this house when it was bank-owned. It was a disaster. Mr. McGuirk said he could not see this as a two-family. There is no history on this home and how it became three-family.

Ms. Collins said there are two multi-family homes on Dearborn, but they have huge square footage. These units would be very small and when that happens things begin to flow out onto the property such as cars, bicycles, etc.

Mr. St. Pierre said that perhaps landscaping could be an improvement.

Mr. O'Brien said the house to the south is single-family, to the east are single-family homes. There is a multi-family diagonally across the street but it is in the Business Zone.

Mr. O'Brien said there is no hardship and asked why it couldn't be made a single-family.

**Moved** by Mr. O'Brien, seconded by Ms. Collins, to deny Petition 48-15.

**Vote:** 3 yes, 1 no (St. Pierre), 1 abstention (Provencal). Motion passed.

**Moved** by Mr. O'Brien, seconded by Ms. Collins, to take a 5-minute break beginning at 9:00 p.m.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

The meeting resumed at 9:05 p.m.

**49-15...**The petition of BZ Dock, LLC for property located at 207 Mill Rd. seeking relief from Article 4.2 (including Footnote 22) and 4.3 to subdivide an existing tract of land into 2 lots with a shared driveway, each to have a single family home, each lot meeting all of the dimensional requirements except as listed above. This property is located on Map 91, Lot 17 and in the RA Zone.

Attorney Peter Saari and Joe Coronati, Jones & Beach, came forward. Attorney Saari said the applicant wishes to create two lots, each containing a single-family home. Frontage and lot width requirements are to prevent overcrowding, however, this is a very uniquely shaped lot. The two homes can be put in the back of the lot. They would be more than 80 feet from any other properties. Attorney Saari went through the five criteria and said he felt they had been met.

Mr. Coronati discussed the driveway and location of houses. There would be deed restrictions so no other homes could be built. There will be various buffers. The barn would come down.

#### *Questions from the Board*

Ms. Collins asked how many acres on the property. Mr. Coronati said there are 1.7 acres.

*Comments from the Audience*

Bill Moberg, 22 Mill Road, said that this project would ruin his view. He said he does not see a hardship here. This will change the whole nature of the neighborhood. This is the only open space in the neighborhood.

Bob Garrigan, 96 Barbour Road, said he agreed with Mr. Moberg and he was opposed to the petition.

Sharon Hart, 211 Mill Road, said the barn which they will remove actually provides a sound barrier for her family and adds to privacy.

Dave Vroom, 197 Mill Road, said he agreed with the previous speakers.

Gail Garrigan, 96 Barbour Road, said she is opposed unless there is a buffer.

*Back to the Board*

Mr. Coronati said they would add buffers and they have options as to where the houses would be.

Mr. St. Pierre said the Board needs to stop approving the porkchop lots. He said he was opposed to the project. Also, there is not enough frontage.

**Moved** by Mr. St. Pierre, seconded by Ms. Collins, to deny Petition 49-15.

**Vote:** 2 yes, 2 no (Provencal, McGuirk), 1 abstention (O'Brien).

Mr. Schultz said the applicant could opt to continue and come back with a tweaked plan. Attorney Saari agreed to do this.

Mr. O'Brien said the applicant should also talk to all abutters.

**Moved** by Mr. O'Brien, seconded by Mr. McGuirk, to continue Petition 49-15 until the next meeting at which time it will be first on the Agenda.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**50-15...**The petition of Miles Cook for property located at 597 Lafayette Rd. seeking relief from Article VI, Table II/Size Requirements to install 4' x 20' building sign to overlay and display manufacturer information. This property is located on Map 126, Lot 56 and in the TC-N Zone.

Miles Cook, Petitioner, came forward. He said this will be an information sign for the public. The sign will not overpower the area. Mr. Cook went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. St. Pierre said he was okay with this petition.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

**Moved** by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 50-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed they had.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**51-15...**The petition of James & Corinne Martin for property located at 10 Cora Ave. seeking relief from Article IV, Table II, 4.5.1 & 4.5.2 to build single family, 3 bedroom home on this property – 2 car garage under, parking for two cars in front (off road). This property is located on Map 280, Lot 23 and in the RCS Zone.

James Martin, Petitioner, came forward. He said he and his wife wish to downsize and build a new home. This will be a year-round home. Mr. Martin went through the five criteria and said he felt they had been met.

*Questions from the Board*

Chairman Provencal asked Mr. Martin if he had already purchased the property. Mr. Martin said he had not. Mr. Schultz said Mr. Martin could not come before the Board if he did not own the property or have a signed contract. Mr. Schultz suggested that Mr. Martin withdraw without prejudice and re-submit when a contract has been signed. He should also find out more information on the wetlands. Mr. Martin agreed to do this. Mr. O'Brien said he would like a building plan.

**Moved** by Mr. O'Brien, seconded by Mr. McGuirk, to allow Petition 51-15 to be withdrawn without prejudice.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**BUSINESS SESSION**

**Motion for Rehearing – Petition 43-15 - 2 L Street, 75 Ocean Blvd. and 77-79 Ocean Blvd.**

The Board reviewed the Motion for Rehearing for this Petition which was initiated by the Board of Selectmen.

Mr. McGuirk said he saw nothing new here and everything had been discussed.

Mr. O'Brien said the fact that the applicant's attorney represented that the parking spaces on 2 L Street complied with the 9 ft. width requirement when in fact at least two of the spaces were less than 8-1/2 feet wide was grounds for rehearing.

**Moved** by Mr. O'Brien, seconded by Mr. St. Pierre, to grant a rehearing on Petition 43-15 – 2 L Street, 75 Ocean Blvd. and 77-79 Ocean Blvd.

**Vote:** 3 yes, 2 no (McGuirk, Provencal). Motion passed.

**Approval of Minutes**

**Moved** by Mr. McGuirk, seconded by Mr. St. Pierre, to approve the Minutes of October 15, 2015 as amended.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**Adjournment**

There being no further business, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Joan Rice  
Secretary